



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| 09/680,293  | 10/06/2000  | Takehiko Shigefuji   | P19894                          | 1800                        |
| 7055 7590 12/13/2007<br>GREENBLUM & BERNSTEIN, P.L.C.<br>1950 ROLAND CLARKE PLACE<br>RESTON, VA 20191 |             |                      | EXAMINER<br>PRONE, JASON D      |                             |
|   |             |                      | ART UNIT<br>3724                | PAPER NUMBER                |
|   |             |                      | NOTIFICATION DATE<br>12/13/2007 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

## Office Action Summary

Application No.

09/680,293

Applicant(s)

SHIGEFUJI ET AL.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14 and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. With regards to claim 14, the paragraph "wherein said program preparing method prepares said program by feeding a punch identification information and a die identification information from said respective identification medium readers back to an automatic programming apparatus and by allotting a punch existing on said punch supporting member and a die existing on said die supporting member to a workplace region to be processed such that a total number of replacements of punches in said punch supporting member and dies in said die supporting member is minimized" is unclear. First, it is uncertain how the feeding of punch/die identification information and allotting the punches and dies allow for a minimized number of replacements to be determined. Next, it is uncertain how the replacements of the punches and dies are minimized when a task is done to only a portion of the dies/punches. The punch identification information represents the information from only one punch. The die identification information represents the information from only one punch. Only one punch and one die are allotted to a workplace region to be processed. It is unclear if the punch and die that have identification information fed are the same punches as the

punch and die that are allotted. Earlier in claim 1, it is disclosed that there are a plurality of punches and a plurality of dies. Assuming that the punches and dies that have identification information fed are different from the punches and dies that are allotted, it is unclear how the number of replacements can be minimized when only the identification information of one punch/die of the plurality has been fed and one punch/die of the plurality has been allotted. It is not understood how performing a specific task onto one of the plurality of punches/dies allows for replacements to be determined/minimized on the punches/dies that have not had the task done to them. For example, let's say there are 10 punches and 10 dies. As written, the claim discloses that the identification information of 1 die and 1 punch has been fed and 1 punch and 1 die have been allotted. That means a task has been done to 2 punches and 2 dies leaving the remaining 8 punches and 8 dies untouched. How can the tasks performed to the 2 punches and 2 dies determine the number of replacements let alone minimize the number of replacements when it is unknown what the other 8 punches and 8 dies incorporate since no task has been performed onto them.

4. With regards to claim 14, the phrase "identifying punches mounted on the punch support member and dies mounted on the die support member" is unclear. It is unclear if this "identifying step" is the same identifying step as the identification disclosed in "wherein said program preparing method prepares said program by feeding a punch identification information and a die identification information from said respective identification medium readers back to an automatic programming apparatus". It is unclear if "identifying punches mounted on the punch support member and dies

mounted on the die support member" step is part of the step disclosed on line 11-16 of claim 14 or is just the next step. Basically, the claim lacks a linking statement between lines 11-16 and lines 18-28. How do the steps of lines 18-28 relate to the process disclosed on lines 11-16?

5. On line 28, the phrase "the NC program is generated by selecting a maximum number of tools currently mounted" is unclear. It is understood that the NC program is generated for the tools that are to be replaced. If the maximum number of tools is selected to be replaced, how can the number of replacements be minimized as disclosed on lines 15-16 of claim 14 and on line 3 of claims 21-24?

6. Claim 22 recites the limitations "the total number", "the flatness", and "the finished surface". There is insufficient antecedent basis for these limitations in the claim.

7. Claim 23 recites the limitation "the total number". There is insufficient antecedent basis for this limitation in the claim.

8. Claim 24 recites the limitation "the total number", both occurrences. There is insufficient antecedent basis for this limitation in the claim.

9. It is to be noted that claims 14 and 21-24 have not been rejected over prior art. It may or may not be readable over the prior art but cannot be determined at this time in view of the issues under 35 USC § 112.

### ***Response to Arguments***

10. After further review, claim 14 was prematurely disclosed as allowable subject matter.

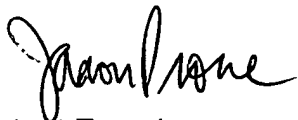
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 8:00-5:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 06, 2007



Patent Examiner  
Jason Prone  
Art Unit 3724  
T.C. 3700